

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In Re:)
HORNBLOWER HOLDINGS, LLC, et al.,¹) Chapter 11
)
)
Debtors) Case No. 24-90061 (MI)
)
) (Jointly Administered)

**MARY RODGERS-ROUZIER'S LIMITED OBJECTION TO DEBTORS'
MOTION FOR ENTRY OF AN ORDER (I) SETTING BAR DATES FOR FILING
PROOFS OF CLAIM, INCLUDING REQUESTS FOR PAYMENT UNDER SECTION
503(b)(9), (II) ESTABLISHING AMENDED SCHEDULES BAR DATE AND
REJECTION DAMAGES BAR DATE, (III) APPROVING THE FORM OF AND
MANNER FOR FILING PROOFS OF CLAIM, INCLUDING SECTION 503(b)(9)
REQUESTS, AND (IV) APPROVING NOTICE OF BAR DATES**
[Docket No. 360]

Mary Rodgers-Rouzier, through her undersigned counsel, submits this limited objection to Debtors' Motion for Entry of an Order (I) Setting Bar Dates for Filing Proofs of Claim, Including Requests for Payment Under Section 503(b)(9), (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the Form of and Manner for Filing Proofs of Claim, Including Section 503(b)(9) Requests, and (IV) Approving Notice of Bar Dates, as follows:

¹ The last four digits of Debtor Hornblower Holdings LLC's tax identification number are 6035. Due to the large number of debtor entities in these chapter 11 cases, for which the Debtors have requested joint administration, a complete list of the debtor entities and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://omniagentsolutions.com/Hornblower>. The location of the Debtors' service address for purposes of these chapter 11 cases is: Pier 3 on The Embarcadero, San Francisco, CA 94111.

LIMITED OBJECTION

1. On March 20, 2024, Rodgers-Rouzier filed a Motion for Relief from the Automatic Stay (Dkt. 283) requesting that the automatic stay be lifted for the limited purpose of allowing the United States Court of Appeals for the Seventh Circuit to issue a decision in her pending matter *Mary Rodgers-Rouzier et al. v. American Queen Steamboat Operating Company, LLC, et al.*, Case No. 23-1812 (the “Seventh Circuit action”). As explained in her Motion, the parties’ briefing in the Seventh Circuit action was completed on November 3, 2023, and the matter was argued to the Seventh Circuit on January 23, 2024. Rodgers-Rouzier’s Motion for Relief from the Automatic Stay is noticed for presentment before this Court on April 12, 2024.

2. As fully explained in Rodgers-Rouzier’s Motion, a decision from the Seventh Circuit is required to determine whether all the Appellant parties to the appeal properly became “party-plaintiffs” to the underlying Fair Labor Standards Act lawsuit litigated in the United States District Court for the Southern District of Indiana, Case No. 4:20-cv-00004 (S.D. Ind.). The answer to that question will determine whether the Appellant parties – including 130 Opt-in Plaintiffs – validly preserved their claims under the Fair Labor Standards Act and therefore can now file claims for their owed wages in this bankruptcy proceeding.²

² The other Appellant parties represented by the undersigned, and potential creditors in this action are: Niata Owens, Yamil Santiago, Juan Pereda, Jimmy Briseno, Christina Moreno, Andrew Jackson, Steven McIntyre, Derek Gray, Armando Hernandez Jr., Alexis Alley, Amanda Hernandez (Garcia), Chalmus Satcher, Regina Aguilar, Rhyanna Dela Cruz, Matthew Wodaeghe, Darnell Johnson, Dorothy Bell, Hayden Dillon-Lloyd, James Henry Sawyer Jr., Marvin Bridgeforth, Miguel Rivera, Robert Heidel, Brian Mitchell, Brook Harrison, Cordarryl Wall, Larresha Riley, Rahsaan Dumas, Randall Newell, Sidney Johnson, Theda Parrish, Tjuana Kinard, Vandarren McCray, Casandra Hill, Edward Brecht, Elizabeth Bertolani, Jeremy Vance, LaTommuel Meeks, Kimberly Perdue-Sims, Mikeyah Holmes, Rence Reese, Teofilo Guity, Timothy Allen, Angela Williams, Brian McCray, Danielle Ellis, Deandre Morris, Gregory Francis, Jesse McGee, Juan Rosales, Shaniece Brown, Vincent LaSane, William Howard, Ashley Humes, Duff Holcomb, Gary Craddock, Kandice LeBeauf, Mekeyia Girten, Sonja McCoy, Thomas Nellum, Ayanna Ajanaku, Christopher Self, Gregory Winchester, Lolita Elion, Shannon Campbell, William Gerard

3. In their Motion (Dkt. 360), the Debtors propose to allow creditors other than governmental units until ***Monday, May 20, 2024, at 5:00 p.m., prevailing Central Time***, and governmental units until ***Monday, August 19, 2024, at 5:00 p.m., prevailing Central Time***, to file Proofs of Claim.

4. However, a May 20, 2024, Claims Bar Date is certainly not enough time, if the Court grants Rodgers-Rouzier's motion on April 12, 2024, for the stay of the Seventh Circuit action to be lifted, for the Seventh Circuit to issue its ruling, and for the 130 Appellants to then file timely Proofs of Claims.

5. There is a simple solution. Rodgers-Rouzier requests that the Debtors' proposed Order, Section III, ¶ 9 ("Parties Exempted from the Bar Date") (Exhibit A) be amended to identify "Rodgers-Rouzier and the Appellants in *Mary Rodgers-Rouzier et al. v. American Queen Steamboat Operating Company, LLC, et al.*, Case No. 23-1812 (7th Cir.)" as Parties Exempted from the Bar Date. This will provide the Seventh Circuit the longest possible time to issue a decision in the pending appeal without otherwise delaying the resolution of this Bankruptcy proceeding.

Williams, Francesca Barnwell, Cardecia Anthony, Curtis Williams III, Kim Breashears, Stanley Preston Jr., Antonio Travis, Mikaila Morgan, Kianna Williams, Kyle McGill, Jonathan Rushin, Sandra Elion, Jeffrey Ijjo, Wayne Phillips, Melatiyah Benyisrael, BreAnna Johnson, Cedric Hines, Savitra Stallworth, Brenda Hunter, Alibe Dumas, Jasmine Trice, Ladre Green, Brandy Moore, Gwen Johnson, Mechelle Robinson, Christopher Davis, Quentin Burks, Alvin James, Daphne Liggins, Kristyn White, Denise Brock, Ian Graham, Ivie Whitt, Kanickees Stewart, Sherrie McGee, Stanley Jackson, Darryl Reed, Anthlean Wilson, Bernell Alzey, Charles Wright Jr., Sheree Bryant, Keyandra Every, Nilza Chavez, Antionette Moore, Ernest Simeon, Thomas McGinnis, Trainell Ruffin, Vinnie Johnson, Larichie Lewis, Constance Whitt, Kevin Brown, Devon Clarke, Marlon Gayle, Curtis Levers, Dwanna Riley, Marcus Bullard, Dennis Magee, Shaquana Stevenson, Sandra Thomas, William Deal, Pamela Joseph Carey, Angelo Jones Jr., Adam Austin, Michael Harris, Terri Gardner and Erica Ray.

6. This Limited Objection is submitted without prejudice to, and with a full reservation of rights for Rodgers-Rouzier to supplement and amend this Limited Objection, that may be appropriate, including reconsideration of any relief that may be granted.

CONCLUSION

For the foregoing reasons, Rodgers-Rouzier respectfully requests this Court sustain her Objection, and with regard to the Debtor's Motion to Set Bar Date (Dkt. 360), any Order setting Claims Bar Dates should identify Rodger-Rouzier and the Appellants in the matter *Mary Rodgers-Rouzier et al. v. American Queen Steamboat Operating Company, LLC, et al.*, Case No. 23-1812 (7th Cir.) as Parties Exempted from the Bar Date.

Dated: April 1, 2024

Respectfully submitted,

/s/Douglas M. Werman

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Admitted *pro hac vice*

Counsel for Creditor Mary Rodgers-Rouzier

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic means via Notice of Electronic Filing to all registered ECF participants at the time of filing.

Dated: April 1, 2024

/s/Douglas M. Werman